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04-628

FILED
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~~No. 03-868~~

In The

Supreme Court Of The United States

Allen v. Jaffe

Petitioner,

v.

Lisa Goodwin, attorney; John R. Walk, attorney; Hirshler, Fleisher, Weinberg, Cox and Allen, P.C.,; Dr. Ronald Mark Landess, DPM; Catherine Hammond, Judge; and Virginia Phototherapy, L.L.C.

Respondents

On Petition for Writ of Certiorari to the the Supreme Court of the United States

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REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

Allen v. Jaffe
pro se

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INTRODUCTION

The lower court dismissed this action for the lack of jurisdiction under the Rooker-Feldman doctrine. Notice of appeal was given to all required parties involved and no challenges were submitted. A timely Petition for Appeal was then filed with the Fourth Circuit Court Of Appeals. The 4th Circuit court denied the petition for appeal along with all of defendants' motions for sanctions. The matter is now before this court jurisdiction upon a Writ of Certiorari.

Despite the fact that this matter was appealed to the 4th Circuit and remains under appeal before this court, the lower court has now entered sanction orders against petitioner between October 5, 2004(see appendix A) and December 14, 2004(see appendix B). The last order filed on December 14, 2004 (attaches as appendix A, imposes monetary damages against this petitioner for alleged legal fees and expenses incurred by respondents up to the "present", in the amount of $56,886.58 plus interest.

The sanctions are inextricably intertwined with the court's Rooker-Feldman dismissal and the state court actions because they were imposed on petitioner to punish petitioner filing his righteous state court actions, this 1983,1985 federal claim, and for pursuing his right of appeal to this court. The court, absent any hearing, issued the sanctions on its perception that all petitioner's claims lacked merit and were in its opinion frivolous.

REASONS FOR GRANTING THE WRIT

The **lower court** has **now** issued injunctive and monetary sanctions orders which are inextricably intertwined with the court's Rooker-Feldman decision now before this court. The basis for the sanctions, as stipulated by the order, are the filing of the previous state court actions, the filing of this federal due process claim and the pursuit of this "present" appeal.

Although the lower court dismissed this action for lack of subject matter jurisdiction, under Rooker-Feldman, these sanctions imply that those decisions and these orders , in the absence of a full and impartial hearing and trial, were the result of a unilateral cursory review of the previous state court actions and its apparent bias in accepting as truth the defendants'/respondents' unsupported allegations and arguments.

Not only are the sanctions unwarranted and improper, but their issuance without jurisdiction raise serious issues of abuse of discretion, and usurpation of power.

Just as this court should grant certiorari to clear up confusion as to the proper standard necessary to apply Rooker-Feldman, then because the matters are inextricably intertwined, it must also decide if the court's recent sanctions are proper, if they were issued without proper jurisdiction, and if those orders are collaterally stopped from issue; otherwise the unwarranted and excessive sanctions will stand, and this petitioner will be placed in the unreasonable position of having to suffer the burden of an appellate nightmare in truing to seek to re-appeal because the basis for the dismissal and the sanctions are inextricably intertwined.

CONCLUSION

This court should grant certiorari to clear up confusion in the applicable standard of Rooker-Feldman and decide whether the inextricably intertwined sanction orders are proper, collaterally estopped, and if their issuance was without jurisdiction such as to deny right to due process.

Respectfully submitted,

Allen V. Jaffe
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Petitioner, pro se

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ALLEN V. JAFFE,

Plaintiff,

v. Civil Action No. 3:03cv799

LISA SPICKLER GOODWIN,
et al.,

Defendants.

ORDER

(Filed Oct. 5, 2004)

For the reasons set forth in the accompanying Memorandum Opinion, it is hereby ORDERED that the Defendant's Rule 11 Motion for Sanctions filed by Lisa Spickler Goodwin, Esquire, John R. Walk, Esquire and Hirschler, Fleisher, P.C. (Docket No. 29) and the Motion for Sanctions filed by Virginia PhotoTherapy, LLC and Dr. Ronald M. Landess (Docket No. 31) are granted and that the plaintiff will be enjoined from initiating, in this Court, any action against these defendants that involve, in any way, any of the circumstances alleged in this action or any of the previous actions that Allen V. Jaffe has brought against these defendants, or any of them.

It is further ORDERED that the defendants shall file their supplemental pleadings respecting monetary sanctions by October 26, 2004. The plaintiff shall file his response thereto by November 12, 2004. The defendants shall file their reply, if any, by November 19, 2004.

This Order may be appealed by the plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to Allen V. Jaffe and to counsel for the defendants.

It is so ORDERED.

/s/ [Illegible] E. Payne
United States District Judge

Richmond, Virginia
Date: October 5, 2004

APPENDIX A-1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ALLEN V. JAFFE,

Plaintiff,

v. Civil Action No. 3:03cv799

LISA SPICKLER GOODWIN,
et al.,

Defendants.

ORDER

(Filed Oct. 5, 2004)

For the reasons set forth in the accompanying Memorandum Opinion, the Court has found that the plaintiff, Allen V. Jaffe, has filed a series of frivolous and baseless actions against the defendants, Lisa Spickler Goodwin, John R. Walk, Hirschler Fleischler, Virginia Phototherapy, L.L.C., Ronald Mark Landess, and Catherine Hammond, and, therefore, the Court has found that sanctions under Fed. R. Civ. P. 11 are appropriate and, as one of the sanctions issued, it is hereby ORDERED that Allen V. Jaffe is hereby permanently enjoined from filing in this Court against any person or entity named as a defendant herein any future action arising out of, or involving, in any way the factual matters asserted in this action or in *Jaffe v. Virginia PhotoTherapy, LLC* (No. CL01-1543); *Jaffe v. Virginia PhotoTherapy, LLC* (No. CL01-1438); *Jaffe v. Virginia PhotoTherapy, LLC* (No. CL01-2094); *Jaffe v. Virginia PhotoTherapy, LLC* (No. CL02-1730); *Jaffe v.*

Landess (No. CL02-1779); *Jaffe v. Lumenis, et al.* (No. 3:02cv538).

The plaintiff is admonished that any disobedience of this Order will be punishable as contempt of court which punishment can involve the imposition of civil or criminal penalties.

This Order may be appealed by the plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to Allen V. Jaffe and to counsel for the defendants.

It is so ORDERED.

/s/ [Illegible] E. Payne
United States District Judge

Richmond, Virginia
Date: October 5, 2004

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ALLEN V. JAFFE,

Plaintiff,

v. Civil Action No. 3:03cv799

LISA SPICKLER GOODWIN,
et al.,

Defendants.

ORDER

(Filed Dec. 14, 2004)

Having considered the Supplemental Affidavit in Support of Motion for Sanctions (Docket No. 61) and the Defendants' Submission of Detailed Billing Statements (Docket No. 62), and having assessed the comments of Allen V. Jaffee, and having reviewed the file and the opinion previously filed herein respecting the award of attorneys fees and costs (Docket No. 51), having ascertained the reasonable, non-duplicative attorneys fees and costs incurred by the defendants herein, and having considered such evidence as has been made available respecting the plaintiffs' ability to pay, it is hereby ORDERED that:

(1) Virginia PhotoTherapy L.L.C. and Dr. Ronald M. Landess are awarded attorneys fees in the amount of $9,000.00 and costs in the amount of $374.73 against Allen V. Jaffe, said amounts being reasonable for the services provided and the costs incurred, respectively, in this action; and

(2) Lisa Spickler Goodwin, John R. Walk and Hirschler Fleischer P.C. are awarded attorneys fees in the amount of $18,000.00 and costs in the amount of $1,068.56 against Allen V. Jaffe, said amounts being reasonable for the services provided and the costs incurred, respectively, in this action; and

(3) Judgment in the total amount of $9,374.73 (attorneys fees and costs) is hereby entered against Allen V. Jaffe in favor of Virginia PhotoTherapy L.L.L. and Dr. Ronald M. Landess with interest thereon at the rate of 2.60% from the date hereof until paid; and

(4) Judgment in the total amount of $19,068.56 (attorneys fees and costs) is hereby entered against Allen V. Jaffe in favor of Lisa Spickler Goodwin, John R. Walk and Hirschler Fleischer P.C. with interest thereon at the rate of 2.60% from the date hereof until paid.

This Order may be appealed by the plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to Allen V. Jaffe and counsel for the defendants.

It is so ORDERED.

/s/ [Illegible] E. Payne
United States District Judge

Richmond, Virginia
Date: December 14, 2004

APPENDIX B-1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ALLEN V. JAFFE,

Plaintiff,

v. Civil Action No. 3:03cv799

LISA SPICKLER GOODWIN,
et al.,

Defendants.

ORDER

(Filed Dec. 14, 2004)

This action having concluded, it is hereby ORDERED that the Clerk shall close this case file.

The Clerk is directed to send a copy of this Order to Allen V. Jaffe and counsel for the defendants.

It is so ORDERED.

/s/ [Illegible] E. Payne
United States District Judge

Richmond, Virginia
Date: December 14, 2004